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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,456	09/05/2003	Toni F. Swarens	1416	8436

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EXAMINER

PAYNE, SHARON E

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,456

Applicant(s)

SWARENS ET AL.

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Oath/Declaration

1. It does not identify the citizenship of each inventor. (The citizenship of Anatoly Kudishevich is not identified.)

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. In this case the abstract exceeds 150 words.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

4. Claim 4 is objected to because of the following informalities: 1) the phrase "a pair of spring-loaded fasteners" should be "a second pair of spring-loaded fasteners" in line 14; 2) the phrase "a pair of slotted openings" should be "a second pair of slotted openings" in line 12; 3) the phrase "a spring-loaded set pin" should be "a second spring-loaded set pin" in line 18; and 4) the phrase "the first base bracket" should be "the second base bracket" in lines 15 and 20. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauckhardt et al. (U.S. Patent 4,811,177) in view of DE 3437192 A1 (hereinafter "Pepping").

Regarding claim 1, Lauckhardt et al. discloses an elongated electric lamp having a first end and a second end (abstract), an elongated reflector having a generally parabolic cross-sectional shape (Figs. 1 and 2) symmetrically disposed about a central plane of symmetry that extends from a rear region of the reflector to a generally rectangular frontal light-exit aperture (Figs. 1 and 2), a first mounting assembly made and arranged to support the first end of the lamp relative to the reflector (Fig. 2, left portion by end of lamp), a second mounting assembly made and arranged to support the second end of the lamp relative to the reflector (Fig. 2, right portion by end of lamp), the first and second mounting assemblies being made and arranged to support the lamp located in the central plane (Fig. 1), substantially parallel to the rear of the reflector (Fig. 2) and in a manner to be user-adjustable without tools with regard to spacing between the lamp and the rear region of the reflector (Fig. 2, abstract). Lauckhardt et al. does not disclose a closed rear region of the reflector.

Pepping discloses a closed rear region of the reflector (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the closed reflector of Pepping in the apparatus of Lauckhardt et al. to reflect light emitted directly behind the light source.

Concerning claim 2, Lauckhardt et al. discloses the first and second mounting assemblies being made and arranged to provide two preset light source locations with different separation from the rear region of the reflector corresponding to two designated angles of beam spread (abstract, Figs 1 and 2). Lauckhardt et al. does not

provide a third preset light source location corresponding to an extra designated angle of beam spread.

Providing a third preset light source location corresponding to an extra designated angle of beam spread is considered to be an obvious duplication of parts. Since the preset light source location is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make another preset light source location in the Lauckhardt et al. reference since duplicating parts requires only routine skill in the art.

Allowable Subject Matter

8. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose a lighting unit with a first base bracket mounted fixedly relative to the reflector near a first end thereof and extending within the reflector with a socket-mount bracket adjustably attached to the first base bracket.

Regarding claim 5, Harling discloses the second lighting cell and the metal housing made to contain the two, while Allmand discloses the metal mounting yoke and clamping means as described in the claim. However, the references cannot be combined because no motivation exists to combine them.

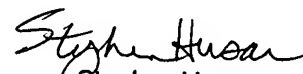
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep


Stephen Husar
Primary Examiner